

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACK RAYMOND TOME,

Defendant.

CR-18-17-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 12, 2024. (Doc. 68.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

On April 24, 2024, the United States Probation Office filed a Petition requesting that the Court revoke Jack Raymond Tome's (Tome) supervised release.

(Doc. 56). The Petition alleged Tome violated conditions of his supervised release by: (1) failing to refrain from the use of a controlled substance, with a sweat patch worn by Tome testing positive for both methamphetamine and amphetamine on April 21, 2024; and (2) on April 24, 2024, failing to comply with substance abuse testing requirements by removing a sweat patch without permission from his probation officer

Judge Johnston conducted an initial appearance on May 21, 2024 (Doc. 60) and a revocation hearing on June 11, 2024. (Doc. 66.) At the revocation hearings, Judge Johnston was advised the Tome had not been accepted in Veteran's Treatment Court. Tome then admitted that he had violated the conditions of supervised release as set forth in the Petition by: (2) on April 24, 2024, failing to comply with substance abuse testing requirements by removing a sweat patch without permission from his probation officer. The Government moved to dismiss violation (1), which Judge Johnston granted (Doc. 66.)

Judge Johnston found that the violations Tome admitted proves serious and warrants revocation of his supervised release and recommends a sentence of TIME SERVED with 1 year of supervised release to follow. Tome was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 66.) The violations prove serious and warrants revocation of Tome's

supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 68) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jack Raymond Tome be sentenced to the Bureau of Prison for TIME SERVED, with 1 year of supervised release to follow. The Court further recommends that during Tome's supervised release, he be subject to home confinement and submit to any substance abuse treatment recommended by his probation officer.

DATED this 14th day of June, 2024.



Brian Morris, Chief District Judge
United States District Court